

House Engrossed Senate Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

CHAPTER 232

## **SENATE BILL 1483**

AN ACT

AMENDING TITLE 44, CHAPTER 11, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 22; RELATING TO AMUSEMENT RIDE SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, chapter 11, Arizona Revised Statutes, is amended  
3 by adding article 22, to read:

4 ARTICLE 22. AMUSEMENT RIDE SAFETY

5 44-1799.61. Definition of amusement ride

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, "AMUSEMENT  
7 RIDE":

8 1. MEANS A DEVICE OR A COMBINATION OF DEVICES OR ELEMENTS THAT CARRY,  
9 CONVEY OR DIRECT A PERSON OVER OR THROUGH A FIXED OR RESTRICTED COURSE OR IN  
10 A DEFINED AREA FOR THE PRIMARY PURPOSE OF PUBLIC AMUSEMENT OR ENTERTAINMENT.

11 2. DOES NOT INCLUDE:

12 (a) A COIN OPERATED RIDE THAT IS MANUALLY, MECHANICALLY OR ELECTRICALLY  
13 OPERATED, THAT IS CUSTOMARILY PLACED IN A PUBLIC LOCATION AND THAT DOES NOT  
14 NORMALLY REQUIRE THE SUPERVISION OR SERVICES OF AN OPERATOR.

15 (b) NONMECHANIZED PLAYGROUND EQUIPMENT, INCLUDING SWINGS, SEESAWS,  
16 STATIONARY SPRING-MOUNTED ANIMAL FEATURES, RIDER-PROPELLED MERRY-GO-ROUNDS,  
17 CLIMBERS, SLIDES, TRAMPOLINES AND PHYSICAL FITNESS DEVICES.

18 (c) CHALLENGE, EXERCISE OR OBSTACLE COURSES.

19 (d) INFLATED DEVICES AND ELEMENTS.

20 44-1799.62. Municipality and county powers

21 A. MUNICIPALITIES AND COUNTIES MAY:

22 1. ADMINISTER AND ENFORCE THIS ARTICLE FOR AMUSEMENT RIDES IN THEIR  
23 RESPECTIVE JURISDICTIONS.

24 2. ESTABLISH REASONABLE AND NECESSARY FEES TO ADMINISTER AND ENFORCE  
25 THIS ARTICLE. THE FEES SHALL NOT EXCEED FEES CHARGED FOR BUSINESS LICENSES  
26 OR TEMPORARY USE PERMITS FOR SIMILAR TEMPORARY BUSINESSES.

27 3. REQUEST FROM EACH AMUSEMENT RIDE OWNER OR OPERATOR, A SPONSOR,  
28 LESSOR OR LANDOWNER OR ANY OTHER PERSON RESPONSIBLE FOR AN AMUSEMENT RIDE  
29 INFORMATION TO DETERMINE THAT THE INSURANCE REQUIRED BY THIS ARTICLE IS IN  
30 EFFECT AND THAT THE AMUSEMENT RIDE HAS BEEN INSPECTED AT LEAST ANNUALLY.

31 4. REVIEW AND RETAIN OTHER RECORDS NECESSARY TO ESTABLISH COMPLIANCE  
32 WITH THIS ARTICLE, INCLUDING INSURANCE CERTIFICATES OR POLICIES, INSPECTION  
33 CERTIFICATES AND REPORTS, PERMITS, LICENSES, MAINTENANCE RECORDS, INJURY  
34 RECORDS AND OPERATIONAL RECORDS. THE RECORDS LISTED IN THIS PARAGRAPH ARE  
35 NOT SUBJECT TO PUBLIC INSPECTION. RECORDS MAY BE DISCLOSED ON WRITTEN  
36 CONSENT OF THE OWNER, ON RECEIPT OF A COURT ORDER OR IF REQUIRED BY LAW. ANY  
37 PERSON WHO KNOWINGLY DISCLOSES ANY RECORD OR OTHER INFORMATION IN VIOLATION  
38 OF THIS SECTION IS GUILTY OF A CLASS 3 MISDEMEANOR.

39 B. MUNICIPALITIES AND COUNTIES THAT ELECT TO ADMINISTER AND ENFORCE  
40 THIS ARTICLE SHALL COLLECT FEES AND REVIEW INFORMATION AT THE TIME OF THE  
41 APPLICATION FOR A PERMIT. THE APPLICATION SHALL BE SUBMITTED AT LEAST THIRTY  
42 DAYS BEFORE A SCHEDULED PUBLIC OPERATION OF THE AMUSEMENT RIDE.

43 C. A PERMIT IS ONLY VALID IN THE MUNICIPALITY OR COUNTY FOR WHICH IT  
44 IS ISSUED.

44-1799.63. Amusement ride owners and operators; requirements;  
denial of entry

A. AN AMUSEMENT RIDE OWNER OR OPERATOR SHALL:

1. HAVE THE AMUSEMENT RIDE INSPECTED AT LEAST ONCE A YEAR BY AN INSURER, A PERSON WITH WHOM THE INSURER HAS CONTRACTED OR AN AMUSEMENT RIDE INSPECTOR PROVIDED BY A MUNICIPALITY OR COUNTY WHO IS EXPERIENCED AND EDUCATED IN AMUSEMENT RIDE INSPECTIONS IN COMPLIANCE WITH THE AMUSEMENT RIDES AND DEVICES STANDARDS OF THE AMERICAN SOCIETY OF TESTING AND MATERIALS. IF AN INSPECTION REVEALS THAT THE AMUSEMENT RIDE DOES NOT MEET THE AMUSEMENT RIDES AND DEVICES STANDARDS OF THE AMERICAN SOCIETY OF TESTING AND MATERIALS OR REQUIRES REPAIR OR REPLACEMENT OF EQUIPMENT, THE INSPECTOR SHALL NOTIFY THE OWNER OR OPERATOR AND SHALL NOT ISSUE THE WRITTEN CERTIFICATE OF INSPECTION UNTIL THE OWNER OR OPERATOR MEETS THE STANDARDS AND MAKES THE REPAIRS OR INSTALLS THE REPLACEMENT EQUIPMENT.

2. MAINTAIN AT ALL TIMES A WRITTEN CERTIFICATE OF THE ANNUAL INSPECTION.

3. PROCURE INSURANCE FOR THE AMUSEMENT RIDE FROM AN INSURER AUTHORIZED TO DO BUSINESS IN THIS STATE PURSUANT TO SECTION 20-217 OR BY AN INSURER ON THE LIST OF QUALIFIED UNAUTHORIZED INSURERS PURSUANT TO SECTION 20-413, INSURING THE OWNER OR OPERATOR AGAINST LIABILITY FOR INJURY TO PERSONS ARISING FROM THE USE OF THE AMUSEMENT RIDE, IN AN AMOUNT OF NOT LESS THAN ONE MILLION DOLLARS FOR BODILY INJURY AND FIVE HUNDRED THOUSAND DOLLARS FOR PROPERTY DAMAGE PER OCCURRENCE OR IN AN AMOUNT OF TWO MILLION DOLLARS PER OCCURRENCE FOR A COMBINED SINGLE LIMIT.

4. MAINTAIN AT ALL TIMES THE WRITTEN PERMIT FOR OPERATION OF THE AMUSEMENT RIDE ISSUED BY THE MUNICIPALITY OR COUNTY.

5. PROVIDE TO EACH SPONSOR, LESSOR OR PROPERTY OWNER OF THE PROPERTY WHERE THE AMUSEMENT RIDE IS OPERATED DOCUMENTATION OF COMPLIANCE WITH THE INSURANCE, INSPECTION AND PERMIT REQUIREMENTS OF THIS ARTICLE.

6. MAINTAIN FOR A PERIOD OF AT LEAST TWO YEARS ACCURATE RECORDS OF ANY GOVERNMENTAL ACTION TAKEN IN ANY STATE RELATING TO THE AMUSEMENT RIDE, INCLUDING ANY OPERATION PERMITS, INSURANCE CERTIFICATES, INSPECTION REPORTS, INCIDENT REPORTS, MAINTENANCE AND OPERATIONAL RECORDS AND RECORDS DOCUMENTING THE REPAIR OR REPLACEMENT OF EQUIPMENT USED IN THE OPERATION OF THE AMUSEMENT RIDE. A COPY OF THESE RECORDS SHALL BE PROVIDED TO THE MUNICIPALITY OR COUNTY AT THE TIME OF APPLICATION FOR A PERMIT UNDER SECTION 44-1799.62.

7. MAINTAIN FOR A PERIOD OF AT LEAST TWO YEARS ACCURATE RECORDS OF SERIOUS INJURIES ACTUALLY CAUSED BY THE AMUSEMENT RIDE THAT ARE CONSISTENT WITH THE RECORDING STANDARDS OF THE AMERICAN SOCIETY OF TESTING AND MATERIALS. THE INJURY RECORDS ARE NOT SUBJECT TO PUBLIC INSPECTION EXCEPT UPON DEMAND OF A MUNICIPAL OR COUNTY PEACE OFFICER OR ENFORCEMENT OFFICIAL. A COPY OF THESE RECORDS SHALL BE PROVIDED TO THE MUNICIPALITY OR COUNTY AT THE TIME OF APPLICATION FOR A PERMIT UNDER SECTION 44-1799.62.

1           B. AN AMUSEMENT RIDE OPERATOR MAY DENY ENTRY TO THE AMUSEMENT RIDE OF  
2 ANY PERSON IF, IN THE OPINION OF THE OPERATOR, THE ENTRY MAY JEOPARDIZE THE  
3 SAFETY OF THE PERSON OR ANY OTHER AMUSEMENT RIDE PATRON.

4           44-1799.64. Enforcement

5           A. A MUNICIPAL OR COUNTY PEACE OFFICER OR ENFORCEMENT OFFICIAL MAY  
6 DETERMINE COMPLIANCE WITH THIS ARTICLE, MAY PROHIBIT THE OPERATION OF ANY  
7 AMUSEMENT RIDE THAT IS NOT IN COMPLIANCE WITH THIS ARTICLE AND MAY INSTITUTE  
8 AN ACTION IN A COURT OF COMPETENT JURISDICTION TO ENFORCE THIS ARTICLE.

9           B. A MUNICIPAL OR COUNTY PEACE OFFICER OR ENFORCEMENT OFFICIAL WHO IS  
10 EXPERIENCED AND EDUCATED IN AMUSEMENT RIDE INSPECTIONS IN COMPLIANCE WITH THE  
11 AMUSEMENT RIDES AND DEVICES STANDARDS OF THE AMERICAN SOCIETY OF TESTING AND  
12 MATERIALS MAY ENTER AND INSPECT WITHOUT NOTICE ANY AMUSEMENT RIDE AT ANY  
13 TIME.

14           C. ON REQUEST, THE OWNER OR OPERATOR OF AN AMUSEMENT RIDE SHALL  
15 PROVIDE THE PERMIT, INSPECTION CERTIFICATE, INSURANCE CERTIFICATE AND OTHER  
16 RECORDS TO A MUNICIPAL OR COUNTY PEACE OFFICER OR ENFORCEMENT OFFICIAL. A  
17 COPY OF THE DOCUMENTS MAY BE PROVIDED INSTEAD OF ORIGINALS.

18           D. THIS SECTION DOES NOT PROHIBIT THE OWNER OR OPERATOR OF AN  
19 AMUSEMENT RIDE FROM SEEKING RELIEF FROM THE ENFORCEMENT OF THIS ARTICLE  
20 THROUGH ANY APPROPRIATE LEGAL MEANS.

APPROVED BY THE GOVERNOR MAY 24, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 24, 2007.